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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/248,515 | 02/08/1999 | HOWARD B. SOSIN | 2001611-0004 | 8867 |

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KEVIN M TORMEY
CHOATE HALL & STEWART
EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 021092891

EXAMINER

BLAU, STEPHEN LUTHER

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3711

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/248,515

Applicant(s)

SOSIN, HOWARD B.

Examiner

Stephen L. Blau

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-54 and 59-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-54 and 59-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 21.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. The request filed on 27 June 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/248,515 is acceptable and a RCE has been established. An action on the RCE follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 50-52, 54, and 61-64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Antonious (5,125,662) in view of Hirose and Scheie.

Antonious discloses an iron-type golf club (Title) having a head with a sole (Fig. 11), a single straight hosel for connection to a shaft (Fig. 11), a connection arranged so that the shaft forms a non-zero lean angle with the vertical when the head rests on its sole in the form of when the head is rested along the bottom of the skid member (728) on the sole, the non-zero lean angle being greater than 3 degrees in the form of the taper of the skid member is ten degrees (Fig. 11, Col. 4, Lns. 61-66), an iron being a

wedge in the form of head used for sandtraps (Col. 4, Lns. 61-66), and a single shaft in the form of a single hosel (Fig. 11).

Antonious lacks a single straight shaft, the head and hosel being forged or cast. Hirose discloses an iron club having a single straight shaft (Figs. 13-14, Col. 1, Lns. 10-25). In view of the patent of Hirose it would have been obvious to modify the club of Antonious to have a single straight shaft in order to increase the velocity of the head at impact. Scheie discloses a head and hosel being forged or cast (Col. 4, Lns. 1-2). In view of the patent of Scheie it would have been obvious to modify the club of Antonious to have the head and hosel being forged or cast in order to utilize a known manufacturing process in the market place.

4. Claims 51, 53, 59-60 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner in view of MacDonald.

Turner discloses a golf club head having a sole, a single straight hosel (Fig. 5), a single straight shaft connected to the hosel (Fig. 5), a shaft forms a non-zero lean angle greater than 3 and less than 10 degrees (Claim 2) when the sole is positioned on a flat surface so that a face achieves the design loft with respect to a plane perpendicular to the flat surface (Fig. 5), a wedge (Col. 1, Lns. 15-18), and a hosel located on a back of a head away from a face and is angled toward the face of a head at a predetermined angle which aids in preventing slicing and hooking due to the facilitation of rotation of the head toward the target and aiding wrist rotation at the point of impact (Abstract).

Turner lacks an iron type club. MacDonald discloses an iron with a hosel located on a back of a head away from a face and appears to be angled toward the face (Fig. 2). In view of the patent of MacDonald it would have been obvious to modify the club of Turner to be an iron type club in order to aid an iron type club form preventing slicing and hooking due to the facilitation of rotation of the head toward the target and aiding wrist rotation at the point of impact.

Response to Arguments

5. The arguments that it is improper to use the reference of Turner since Turner requires a large negative offset and does not suggest iron-type clubs are disagreed with. Some irons have negative offsets as shown by Antonious and the benefits of the design of Turner can be used for irons. The Declarations have been considered but are not persuasive. It is agreed that there are differences between woods and iron. However there are many similarities since both are involved with impacting a ball. The advantage of Turner having a hosel located on a back of a head away from a face and is angled toward the face of a head at a predetermined angle which aids in preventing slicing and hooking due to the facilitation of rotation of the head toward the target and aiding wrist rotation at the point of impact would benefit an iron with a hosel located on a back of a head as shown in Antonious.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Paul Sewell whose telephone number is (703) 308-2126. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

Slb 01 November 2002


STEPHEN BLAU
PRIMARY EXAMINER